

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado

Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

April 13, 2009

CDPS Permit No. CO-0021687

Mr. Tom Yennerrell, Town Administrator  
Town of Mancos  
PO Box 487  
Mancos, CO 81328

Certified Mail Number: 7007 0220 0001 0160 6136

**RE: Service of Amendment to Notice of Violation/ Cease and Desist Order: MO-071106-1**

Dear Mr. Yennerrell:

The Town of Mancos is hereby issued the enclosed amendment to the Notice of Violation/Cease and Desist Order (Number: MO-071106-1) that was issued to the Town of Mancos on November 6, 2007. This order amendment is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §25-1.5-203 of the Colorado Revised Statutes.

Should you desire to discuss this matter with the Division or if you have any questions regarding the order amendment, please don't hesitate to contact Ginny Torrez at (303) 692-3612 or by electronic mail at [ginny.torrez@state.co.us](mailto:ginny.torrez@state.co.us).

Sincerely,

Kristi-Raye Beaudin, Legal Assistant  
Compliance Assurance and Data Management Section  
WATER QUALITY CONTROL DIVISION

cc: Montezuma County Environmental Health Department  
MS-3 File

ec: Aaron Urdiales, EPA Region VIII  
Greg Brand, Engineering Section, CDPHE  
Andrew Neuhart, Permit Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Carolyn Schachterle, OPA

Enclosures



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**DIVISION OF ADMINISTRATION**  
**WATER QUALITY CONTROL DIVISION**

---

**AMENDMENT NO. 1**

**NOTICE OF VIOLATION / CEASE AND DESIST ORDER**

**NUMBER: MO-071106-1**

---

**IN THE MATTER OF:     TOWN OF MANCOS**  
**CDPS PERMIT NO. CO-0021687**  
**MONTEZUMA COUNTY, COLORADO**

---

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority has been delegated to the Director of the Department's Water Quality Control Division (the "Division"), and pursuant to §25-8-605, C.R.S., the Division hereby issues the following Amendment Number 1 to Notice of Violation/Cease and Desist Order, Number: MO-071106-1. *(See attached copy marked as "Exhibit A" for reference.)*

**AMENDMENT NUMBER ONE**

1. On November 6, 2007, the Division issued Notice of Violation/Cease and Desist Order, Number MO-071106-1, (the "NOV/CDO") to the Town of Mancos ("Mancos").
2. Mancos has failed to comply with the schedule for construction of a facility expansion, upgrade or replacement established in the NOV/CDO as issued November 6, 2007. The initial schedule required that Mancos file a complete site location approval application by November 30, 2008. Mancos filed a site location approval application on September 19, 2008 and subsequently filed a revised site location approval application. The Division has determined that the site location approval application and the associated process design report is very incomplete. Consequently, the Division has been unable to approve the site location approval application. Via letter dated January 16, 2009, Mancos advised the Division that the original schedule is not obtainable and requested an extension to the interim dates contained in the compliance schedule. Because Mancos did not seek to extend the final compliance deadline of November 30, 2012 contained in the schedule, the Division is amenable to extending the interim deadlines. Additionally, monthly Discharge Monitoring Reports (the "DMRs") submitted by Mancos subsequent to issuance of the NOV/CDO reflect additional instances of violation of effluent limits. The NOV/CDO is amended as shown below to extend the compliance schedule for the facility

upgrade and to include violative effluent data submitted subsequent to issuance of the NOV/CDO as shown below:

A. Paragraph 4 is amended to read as follows

4. The Facility is the subject of the Colorado Discharge Permit System, Permit No. CO-0021687 (the "Permit"). The previous Permit version became effective on December 1, 2001 and was due to expire November 30, 2006 at which time it was administratively extended until issuance of a renewal to the Permit. The Permit was renewed effective February 1, 2008 and is due to expire January 31, 2013 (the "Current Permit").

B. Paragraph 11 is amended to read as follows:

11. The DMRs for the months of January 2006 through December 2008 include, in addition to other data not subject of this action, the following effluent concentration data for BOD<sub>5</sub>, BOD<sub>5</sub> removal and *E. coli*. in exceedance of the effluent limits:

EFFLUENT SELF-MONITORING DATA		
DMR REPORTING PERIOD AND PARAMETER	REPORTED 30-DAY AVERAGE	REPORTED MAXIMUM 7-DAY AVERAGE
<b>BOD<sub>5</sub> (in mg/l)</b>	<b>Limit= 30 mg/l</b>	<b>Limit= 45 mg/l</b>
January 1-January 31, 2006	40	-
May 1-May 31, 2006	35.5	-
October 1-October 31, 2006	32	-
May 1-May 31, 2007	61	80
June 1-June 30, 2007	65	65
January 1-January 31, 2008	38	-
April 1-April 30, 2008	41	55
July 1-July 31, 2008	35	-
<b>BOD<sub>5</sub> Removal (in %)</b>	<b>Limit = 85 % (minimum)</b>	<b>N/A</b>
May 1-May 31, 2006	78	-
May 1-May 31, 2007	80	-
June 1-June 30, 2007	79	-
<b><i>E. Coli.</i> (in #/100ml)</b>	<b>Limit = 570/100ml (May 1-October 31) 1,920/100ml (November 1-April 30)</b>	<b>1,140/100ml (May 1-October 31)</b>
June 1-June 30, 2008	1,125	1,733

DMR REPORTING PERIOD AND PARAMETER	REPORTED 30-DAY AVERAGE	REPORTED MAXIMUM 7-DAY AVERAGE
<i>E. Coli.</i> (in #/100ml) [continued]	Limit = 570/100ml (May 1-October 31) 1,920/100ml (November 1-April 30)	1,140/100ml (May 1- October 31)
September 1-September 30, 2008	1,733	1,733
October 1-October 31, 2008	727	-
November 1-November 30, 2008	2,419	-
December 1-December 31, 2008	2,419	-

C. Paragraph 15 is amended to read as follows:

15. The 30-day average effluent BOD concentrations listed in paragraph 11 of the Findings of Fact and Conclusions of Law constitute violations of the 30-day average effluent concentration limit of 30 mg/l established by Part I, Section A.5 of the Previous Permit and Part I, Section A.5 of the Current Permit.

D. Paragraph 16 is amended to read as follows:

16. The 7-day average effluent BOD concentrations listed in paragraph 11 of the Findings of Fact and Conclusions of Law constitute violations of the 30-day average effluent concentration limit of 45 mg/l established by Part I, Section A.5 of the Previous Permit and Part I, Section A.5 of the Current Permit.

E. Paragraph 17.a is added and reads as follows:

- 17.a. The 30-day average effluent *E. Coli.* concentrations listed in paragraph 11 of the Findings of Fact and Conclusions of Law for June, September and October 2008 constitute violations of the 30-day average effluent concentration limit of 570/100ml established by Part I.A.5 of the Current Permit for May 1-October 31. The listed 30-day average effluent concentrations for November and December 2008 constitute violations of the 30-day average effluent concentration limit of 1,920/100ml established by Part I, Section A.5 of the Current Permit for November 1-April 30.

F. Paragraph 17.b is added and reads as follows:

- 17.b. The maximum 7-day average effluent *E. Coli.* concentrations listed in paragraph 17.b of the Findings of Fact and Conclusions of Law for June and September constitute violations of the maximum 7-day average effluent concentration limit of 1,140/100ml for May 1-October 31.

G. Paragraph 23 is amended to read as follows:

23. Mancos shall also comply with the deadlines for implementing longer-term measures such as facility expansion, upgrade or replacement, for ensuring compliance with BOD<sub>5</sub> and BOD<sub>5</sub>

removal limits as well as future ammonia and total residual chlorine limits (as stated in the draft permit public noticed by the Division on October 26, 2007):

- a. By May 30, 2009, submit a **complete and approvable** site application in accordance with "Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works, Regulation #22 (5 CCR 1002-22)".
- b. By January 31, 2010, complete and submit plans and specifications.
- c. By October 31, 2010, commence construction.
- d. by November 30, 2012, complete construction.

### **NOTICE OF EFFECTIVE DATE OF AMENDMENT**

3. This amendment shall be fully effective and enforceable upon issuance.

### **SCOPE OF AMENDMENT NO. 1**

4. The scope of this Amendment Number 1 to the Notice of Violation/Cease and Desist Order, Number MO-071106-1 is limited to the provisions and/or conditions outlined above. All other terms, conditions or requirements of the NOV/CDO remain unchanged and in effect. This Amendment does not modify or alter any terms or conditions of the Previous Permit or the Current Permit.

Issued at Denver, Colorado, this 13<sup>th</sup> day of April, 2009.

### **FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**



Lori M. Gerzina, Section Manager  
Compliance Assurance Section  
WATER QUALITY CONTROL DIVISION